CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

DECEMBER 2, 2008

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino

INVOCATION:
Assistant City Manager Haydon gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the Pledge of Allegiance.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Public Works/City Engineer Whitehead, Director of Community Development Lindsey, Police Chief Macagni, Fire Chief Ortiz, Director of Utilities Sweet, Director of Administrative Services Snodgrass, City Librarian Buchanan, Planner III Scott, Planner III Shipsey, and Chief Deputy City Clerk Perez.

ANNOUNCEMENTS:
Mayor Lavagnino announced that the Council would be adjourning the meeting in honor of Mark Riddering, a former Santa Maria Police Corporal, who passed away on Thanksgiving Day after a 13-year battle with Lou Gehrig's disease.

PUBLIC COMMENT
Ernest Armenta spoke regarding Entertainment Licenses and the need for more restrictions and standards for the Security Guards required for Entertainment Licenses. He also spoke about water sales to Nipomo Community Services District and why the issue was discussed in Closed Session rather than in public.

Art Foster presented the 2009 Santa Maria High School Race Team that would be representing Santa Maria at the National Event in Bakersfield. Last month, the 2008 team finished in third place. He introduced the members of this year's team and explained that the students had to maintain A's and B's to be part of the team.

Sharon Knotts spoke about comments made at the last City Council meeting concerning members of the Minuteman Civil Defense Corps being racist and calling Mexicans rapists, drug dealers, criminals and crooks. She indicated that all speakers on either side of the issue had always presented themselves in a polite, tactful, and diplomatic manner.

Mickey Freeman said the Minuteman had been called racists and hateful and suggested those people read the book entitled *Democracy or Babble*.

Paula James spoke about illegal immigration being a serious issue. Those who wanted to make it a racist issue were doing a disservice to the legal immigrants in this country. The Minuteman would not tolerate racism and have never used racist terms. She thanked the Police Department for getting unlicensed drivers off the road.

Steve Gallego, owner of Quiznos Sub Shop on McCoy Lane, said that they were forced to temporarily close their doors today because of falling sales due to the lack of access

into the shopping center from the median. He asked for the Council's help to save his store.

Mayor Lavagnino stated the City was working on that issue, and he would be meeting with Caltrans to discuss possible solutions. The City would do the best it could as fast as it could to try to help.

Councilmember Zacarías asked City Attorney Trujillo a question about the public comment regarding Closed Session items.

City Attorney Trujillo responded the Closed Session that was referred to under Public Comment Period fell under the Real Property Negotiations section of the Brown Act which allowed the Council to give direction to its negotiators concerning price and terms of the contract. The rationale for the Closed Session exemption was to protect the confidentiality of the negotiations. It did not matter whether the other party was a public entity or a private individual.

CONSENT CALENDAR
Consent Calendar Items A through G were approved on motion by Councilmember Orach, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of November 18, 2008, were approved as submitted.

C. WARRANTS
Warrant Nos. 146593 to 146950 totaling $16,292,159.52 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 146555, 146728 and 146740 were cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. SPEED LIMITS
Second reading of Ordinance No. 2008-28 was conducted by title only and the Ordinance was adopted establishing speed limits on the following five new road segments: Battles Road between Blosser Road on the east and "A" Street on the west - 40 mph; Battles Road between Depot Street on the east and Blosser Road on the west - 40 mph; Bradley Road between Battles Road on the north and Betteravia Road on the south - 45 mph; Sonya Lane between Pergola Street on the east and Blosser Road on the west - 30 mph; and Western Avenue between Battles Road on the north and Carmen Lane on the south - 30 mph.

Ordinance No. 2008-28 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 7-4, SPEED LIMITS, OF THE SANTA MARIA MUNICIPAL CODE.

F. NOTICE OF COMPLETION

Council approved the Notice of Contract Completion for South College Drive Intersection Improvements, Bid No. 2009/02 and directed the Chief Deputy City Clerk to record the Notice.

G. ABANDONMENT

Resolution No. 2008-176 was adopted abandoning a public alley no longer needed at the southwest corner of Barcellus Avenue and Bluebird Avenue.

Resolution No. 2008-176 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, SUMMARILY VACATING AN ALLEY EASEMENT PER STREETS & HIGHWAYS CODE, PART 3, CHAPTER 4, §8333 (c).

PLANNED DEVELOPMENT PERMIT FOR THE LAKEVIEW PROMENADE PROJECT LOCATED AT THE NORTHWEST CORNER OF SKYWAY DRIVE AND ORCUTT EXPRESSWAY (STATE ROUTE 135).

Planner III Scott gave the staff report. The City Council is asked to consider a recommendation from the Planning Commission to approve a Planned Development Permit for the Lakeview Promenade mixed-use project which would consist of a mix of high-density residential and pedestrian-oriented commercial uses including up to 263 airspace condominiums, approximately 40,000 square feet of retail space, 14,000 square feet for restaurant use, 14,000 square feet for use as a spa/fitness/physical health care facility, and a 250-seat movie theater. On October 21, 2008, the City Council approved a General Plan (Land Use) amendment and zone change. The City Council also approved a Zoning Text Amendment to allow residential buildings in excess of 35 feet in height, up to a maximum of 55 feet, on qualified sites located in the PD/R-3 zoning districts. Under the criteria set forth by the Council, the 55-foot building height limit would be permitted only upon approval by the City Council. Some of the residential buildings were proposed at the 55 feet height. Also, the applicant was proposing an increase in building height for some of the commercial buildings on the larger mixed-use portion of the project site. In addition to an increase in building heights, the applicant was requesting flexibility to make minor modifications to other Municipal Code development standards in the areas of perimeter building setbacks, lot coverage, parking standards, and landscape coverage.

On November 5, 2008, the Planning Commission conducted a public hearing and adopted Resolution No. 2532 on a 5-0 vote recommending the City Council approve the Lakeview Promenade Planned Development Permit. An Environmental Impact Report was previously approved by the City Council on October 7, 2008.

Councilmember Zacarías asked if any of the units would be deemed affordable units.

Mayor Lavagnino opened the public hearing.

Greg Nester, project applicant, stated they were not intending to provide affordable housing; however, by design, the units might be less expensive than a typical single family home. He highlighted the design and layout of the project. In response to a question from Mayor Lavagnino, he explained they intended to construct the commercial buildings first and then build the residential units in phases.

Councilmember Trujillo asked how long the project would take to complete.

Mr. Nestor stated they still had a lot of work to do to develop public improvement plans, final maps, and working drawings before starting construction. They would have to put the financing together. He would like to start the commercial building within a year and anticipated it would take approximately one year to complete. They would probably not start construction of any of the residential units without 50 percent intended presales. Full build-out would probably take four years.

Laurie Tamura, Urban Planning Concepts, talked about the challenges to get the project to this point. She thanked City staff for their help. She talked about the variety of residential units within the project.

Paul Ollice, Orcutt resident, talked about traffic on Lakeview and children going to Lakeview Middle School. He said everyone who had spoken had genuine concerns about the safety at the Lakeview intersection. He said the ATE traffic report was flawed. The intersection was an accident waiting to happen. He understood that the City of Santa Maria and the applicant stand to benefit from this project, however, every possibility needed to be explored before approving the project.

In response to a question from Mayor Lavagnino, Public Works Director/City Engineer Whitehead explained that it was his understanding that the Evergreen Shopping Center reconstruction would include abandoning Orcutt Road which would eliminate the northern leg of the troublesome intersection. He attended a meeting with Caltrans staff and the developer and discussed some solutions to the traffic problems. Caltrans main concern was traffic flow on Highway 135. One of the things that would be important in terms of correcting traffic congestion on Lakeview Drive would be the construction of Union Valley Parkway and the new freeway interchanges.

Councilmember Zacarías said she thought all of the Councilmembers took into consideration the issues expressed by the Orcutt residents the last time this was before the Council. She expressed concern about children from Lakeview Junior High School crossing Highway 135 to get to the new commercial buildings at Lakeview Promenade and asked about the timing of the Evergreen Shopping Center reconstruction.

Director Whitehead explained that the Lakeview Promenade project would be installing pedestrian safety measures as part of the project. He said there was a pedestrian phase and crosswalk across Highway 135 already.

Vibiana Saavedra, Santa Maria Community Coalition, spoke in opposition to the Lakeview Promenade project due to its impact on the Downtown Specific Plan and creating a senior complex so far removed from many services provided downtown.

Michael Betancourt stated he lived in Evergreen Acres adjacent to Evergreen Shopping Center. He expressed concern about traffic in the area especially with the Joe Nightingale Elementary School and Lakeview Junior High School in the immediate area.

Mary Jacka spoke about the lack of affordable housing in the project.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Resolution No. 2008-177 approving Planned Development Permit, PD-2006-024, subject to the conditions outlined, was adopted on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2008-177 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A PLANNED DEVELOPMENT PERMIT FOR LAKEVIEW PROMENADE MIXED-USE PROJECT, PD-2006-024, E-2006-070, LOCATED ON THE NORTHWEST CORNER OF SKYWAY DRIVE AND ORCUTT EXPRESSWAY (STATE ROUTE 135), ASSESSOR'S PARCEL NUMBERS 111-100-008, -009.

Councilmember Zacarías stated one of her frustrations since becoming a Councilmember was the inability to do anything about affordable housing. She said one of the first lessons she learned was that if a developer did not want to provide affordable housing, it was not going to happen. The City needed partnerships with developers to provide affordable housing.

AMENDMENT TO TITLE 12 OF THE MUNICIPAL CODE PERTAINING TO THE ESTABLISHMENT OF A NEW ZONING DISTRICT – HIGHWAY COMMERCIAL (HC) – AND ADDING THE HC ZONE TO ONE OR MORE CORRESPONDING LAND USE DESIGNATIONS, GP-2008-003, Z-2008-006, E-2008-043.

Director of Community Development Lindsey gave the staff report. The City Council is requested to consider a recommendation from the Planning Commission to adopt a Negative Declaration of Environmental Impact, amend the General Plan Land Use Element to establish a Highway Commercial District as a corresponding zone in the Freeway Services (FS) designation, and adopt an ordinance to establish the Highway Commercial Zoning District as Chapter 12-13A of the Santa Maria Municipal Code which would apply only to parcels located within 1,250 feet of the U. S. Highway 101 right-of-way and designated FS in the City's General Plan. No property would automatically be rezoned to HC. The property owners would need to apply for a zone change to HC zoning and possibly a General Plan Amendment. With the adoption of Title 12 over 25 years ago, Santa Maria established four retail commercial zoning districts. One of those districts is the FS zone that was intended to serve the motoring public by providing those uses that were most commonly needed by highway travelers such as food, fuel, and rest. The other retail commercial zoning districts tiered upward from the neighborhood-serving CC (Convenience Center) to the C-1 zone (Downtown), and then to the C-2 (General Commercial) zone. He highlighted the uses that would be permitted uses and those that would be conditional uses in the new HC zoning district. Presently, there were 47 acres of FS zoned land with 12 acres currently vacant. The purpose of the HC zone was to bridge the gap between the limited number of uses in the FS zone and the large number of uses in the C-2 zone, some of which might not be appropriate for Highway 101. He also discussed alternatives to the project.

On October 15, 2008, the Planning Commission voted 4-0, with Commissioner Moats absent, to adopt Resolution No. 2530 recommending that the City Council approve a Negative Declaration of Environmental Impact and amend the General Plan, and Resolution No. 2531 recommending the City Council adopt an ordinance creating a new HC zoning district.

Mayor Lavagnino stated the staff report summarized the four reasons for the proposed HC zoning very well.

Councilmember Zacarías stated she agreed with the premises for the HC zoning but did not agree that some of the uses listed would not have an impact on the Downtown Specific Plan. She felt the list was too large, and she would have a difficult time supporting some of the proposed uses. She said uses such as pharmacies, financial institutions, sporting good stores, and grocery stores would be in direct conflict with the Downtown Specific Plan.

Councilmember Trujillo asked if permitted uses meant that no further review was required.

Director Lindsey explained that if someone wanted to take advantage of the HC zone, they would have to apply for and obtain a rezoning. Once that happened, they would have the right to any of the permitted uses. The conditional uses would require further review and Planning Commission approval.

Mayor Lavagnino opened the public hearing.

Gordon Gill stated he represented the owners of the property at the southwest corner of Highway 101 and Betteravia Road. He supported the establishment of the HC zoning district. The uses in the FS zoning district were so restrictive that it was almost impossible to develop the property. The City worked long and hard to get the 101 Freeway widened to six lanes. With development close to the Freeway now, much of the north/south traffic for people living in the City was being done on the Freeway, and services needed to be provided closer to the freeway.

Jay Hartman, General Development Company, stated he had owned the property at Highway 101 and Betteravia for 40 years. This property has remained fallow for 40 years. With the FS zoning, he was only allowed two or three uses. He had a piece of property that he was unable to develop because of the restricted zoning. Their property was surrounded by major commercial, but he wasn't allowed any of those commercial uses under the FS zoning. He asked the Council to support the proposed HC zoning.

Todd Hartman, leasing director for the property, stated he had spoken with 268 restaurants. There were a lot of corporate restrictions on fast food restaurants. They could not get any of them at their site because of others in close proximity. Other major restaurants, due to the economy, were not interested in the site. Most Santa Barbara County cities had done away with FS zoning because it was too restrictive. Commercial development would be allowed on the Enos Ranchos property directly across Betteravia. They really needed this HC zoning district.

Ernest Armenta stated he understood the widening of the freeway was a plan for growth. He asked why the HC zone would only apply to the west side of the freeway, while the east side was not included. He asked that it be sent back to the Planning Commission to reduce the list of uses and wait until the new Councilmember was seated.

Laurie Tamura, Urban Planning Concepts, said she represented Nick Tompkins who owned the property at the corner of the 101 Freeway and West Main Street. They brought this concern to staff about a year and a half ago. They submitted an application to rezone to General Commercial; however, the Planning Commission did not approve it. She talked about the uses that Mr. Tompkins originally wanted for his building including a cellular phone store, a florist shop, and beauty shop. However, the Planning Commission deleted those uses from the proposed ordinance. She commended staff for the proposal.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Mayor Lavagnino asked for clarification on some of the uses listed that he felt might be detrimental to the Downtown Specific Plan.

Director Lindsey stated they wanted uses that would be most fitting for the traveling public using Highway 101. To have no impact on the Downtown, there could be no development. Staff understood that some of the uses proposed could have an impact on the Downtown. Staff wanted something that was fitting and needed along the Highway and would have as little impact as possible to the Downtown.

Councilmember Zacarías asked that the Council consider Alternative 2 in the staff report. It would allow each landowner to decide for themselves if they wanted the HC zone and would require Planning Commission and City Council approval. The City wanted to be flexible without being too permissive.

Councilmember Patino stated she felt the Downtown Specific Plan should be the number one focus. Some of these uses would be in direct conflict to the downtown area. The list of uses needed to be scaled down. The downtown area needed to come first. She would not like the permitted uses to be decided administratively.

Mayor Lavagnino commented that if the HC zone was established with the list of permitted uses and a property owner had their property rezoned to HC, the City would have no control over what uses went on the HC zoned property.

Director Lindsey explained that if the HC zone was established, the landowner could apply for a zone change. The Planning Commission and City Council would have to approve that. Once the HC zone was approved, the landowner would have the right to any of the permitted uses.

Councilmember Trujillo stated he believed in property rights, and it bothered him that this one property owner had waited 40 years to develop his property. He asked what staff and the Planning Commission were recommending.

Director Lindsey explained that the Planning Commission recommended the City Council adopt the HC zone as proposed. Staff had requested several other uses such as cellular phone stores, beauty shops, and florists shops which the Planning Commission rejected.

City Manager Ness stated the recommendation from staff and the Planning Commission was to establish an HC zone only. The landowners would then have to apply for the HC zoning. If the Planning Commission and City Council did not want a particular piece of property to have the commercial uses allowed in the HC zone, the zone change could be denied. Alternative 2 talked about the City initiating the rezonings, not the individual landowners. Currently, the landowners could apply for C-2 zoning and have a much more extensive list of permitted uses. The HC zone was in between the FS zone and the C2 zone, as far as uses. At the point of application for the rezone, the Planning Commission and City Council could ask what uses were intended for the property.

Mayor Lavagnino asked if the City Council could condition a rezoning to limit the uses.

City Attorney Trujillo stated a rezoning was a legislative act and could not be conditioned. There were other ways to achieve the Council's goal without conditioning the rezoning.

Councilmember Zacarías stated she felt the City was not restricting property rights because the landowners could still apply for a rezoning to C-2 with even more uses allowed.

Director Lindsey reminded the Council that there were only 12 acres vacant within the FS zoning at this time.

Resolution No. 2008-178 approving a Negative Declaration of Environmental Impact for E-2008-043 was adopted on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Trujillo, and Mayor Lavagnino
NOES: Councilmembers Patino and Zacarías
ABSENT: None
ABSTAIN: None

Resolution No. 2008-178 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, FINDING NO DETRIMENTAL ENVIRONMENTAL IMPACT AND DIRECTING THE FILING OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT REGARDING AMENDMENTS TO THE GENERAL PLAN AND ZONING TEXT, GP-2008-003, Z-2008-006, E-2008-043.

Resolution No. 2008-179 amending the General Plan Land Use Element to establish the Highway Commercial District as a corresponding zone in the Freeway Services (FS) designation was adopted on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Trujillo, and Mayor Lavagnino
NOES: Councilmembers Patino and Zacarías
ABSENT: None
ABSTAIN: None

Resolution No. 2008-179 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A GENERAL PLAN TEXT AMENDMENT (GP-2008-003).

Ordinance No. 2008-29 establishing the Highway Commercial Zoning District as Chapter 12-13A of the Santa Maria Municipal Code was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Trujillo, and Mayor Lavagnino
NOES: Councilmembers Patino and Zacarías
ABSENT: None
ABSTAIN: None

Ordinance No. 2008-29 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADDING CHAPTER 12-13A TO THE SANTA MARIA MUNICIPAL CODE, RELATING TO THE HIGHWAY COMMERCIAL ZONING DISTRICT.

PROPOSED ORDINANCE REGULATING CONDUCT AT THE CITY OF SANTA MARIA PUBLIC LIBRARY.

City Librarian Buchanan gave the staff report. The City Council is requested to consider a proposed ordinance that would establish rules of conduct at the new Public Library to provide a safe, comfortable and convenient environment for all patrons and staff. For many years, Library staff has dealt with customers who did not want to follow the written and unwritten rules of conduct. In recent years, problems with difficult customers had escalated, occasionally requiring intervention by law enforcement. These outbursts ranged from verbal harassment and hostile threats toward staff, to disruptive behavior and aggressive physical intimidation. In 1991, the Library Board of Trustees adopted the first "Rules of Conduct" to address increasing incidents of unacceptable behavior by Library users and to prescribe consequences for violators of the rules. Those rules, however, had no legal standing and were not enforceable from a law enforcement standpoint. To address undesirable behavioral issues by some users, the Library's Rules of Conduct needed to be incorporated into a City ordinance that would be enforceable. The proposed ordinance would allow designated Library staff to follow a formal procedure of verbal warnings and written exclusion notices to those who violated the rules. The ordinance prohibits loud electronic devices, disruptive behavior, harassment, selling items, food and drink except in designated areas, sleeping and loitering, and animals except those trained to assist persons living with disabilities. The ordinance also addresses restrictions on the use of restrooms, adherence to rules for use of public computers, requires proper hygiene, supervision of children, adherence to standards for safety and photography and videotaping, and addresses restrictions on speech.

Councilmember Zacarías stated there was a difference between an unsupervised five-year-old and an unsupervised 15-year-old and asked if the section on proper supervision of children was deliberately broad.

City Librarian Buchanan stated they wanted it to be broad but hoped to discourage people from dropping off their small children for the day and leaving them unsupervised. Having the language broad would allow library staff to address problems on an individual basis.

Councilmember Zacarías asked about the use of Library computers. She asked if adults loitering around children was ever an issue.

City Librarian Buchanan explained that there was a separate document regarding the use of public computers, and this ordinance referred to that document. Actions toward children were prescribed under the Penal Code. It was something library staff was very aware of, always on the alert for, and the reason for the security cameras.

Councilmember Orach asked if there was a dress code at the Library for patrons.

City Librarian Buchanan explained that it was limited to requiring shirts and shoes.

Ordinance No. 2008-30 regulating conduct at the Library was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Zacarías, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2008-30 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ENACTING CHAPTER 8-16 TO THE SANTA MARIA MUNICIPAL CODE REGULATING CONDUCT AT THE CITY OF SANTA MARIA PUBLIC LIBRARY.

ORCUTT WATER SALES: REQUEST FOR COUNCIL DIRECTION TO PROVIDE WATER TO ORCUTT REGARDLESS OF LAND USE.

Director of Utilities Sweet gave the staff report. Council is requested to provide direction to staff on whether the Council desires to continue limiting the sale of water to Orcutt to residential developments only. The City Council acted on two separate occasions to approve the sale of State Water Yield to property interests in Orcutt. These two actions provided for the eventual sale of 900 AF of water to Orcutt. To date, the City had completed the sale of 154 AF of water to the Orcutt area. The City received agreements and monetary commitments for an additional 310 AF. In the last two fiscal years, activity related to the sale of water declined significantly. This is a clear reflection of the decline in the residential real estate market. In 2003, a policy was developed that approved the sale of water to Orcutt development for residential uses only. County officials desire the City to also sell water for non-residential developments. The County views the City's water sale policy as uneven, in that it allows for residential growth, which is a drain on the overall tax structure and restricts the construction of commercial property, which is viewed as a tax generator. In recent meetings between County and City executive staff, it was clear that this issue has created some tension. Given the decline in income from water sales, the County's apparent desire to have water available for non-residential development, and the County's control of the acquisition of additional low-cost State Water Project water, staff is requesting that City Council direct staff to provide water for municipal purposes to Orcutt for all types of land use.

Ernest Armenta spoke against selling water for commercial uses. The Council had always opposed the sale of water for anything other than residential uses.

Mayor Lavagnino stated the County held the rights to 12,000 acre feet of State water that the City would like to be able to obtain in order to provide additional high-quality water to its residents.

Laurie Tamura stated she had the opportunity to work on many projects in Orcutt and had dealt with obtaining water for those projects. She agreed with the recommendation to expand the uses and to open up the opportunities for Orcutt.

Jim Slaught, Investec Real Estate Company, stated he had been working with property owners in Orcutt. Water had been a hold-back to getting anything done on their property. The particular property could not support any large commercial development. The Orcutt Community Plan needed commercial development to pay for the residential development.

Councilmember Patino commented that it was important to remember that the litigation determined that the Groundwater Basin was not in overdraft and supplemental water supplies were no longer required.

On motion by Councilmember Zacarías, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

staff was directed to provide water for municipal purposes to Orcutt for all types of land uses up to the 900 acre feet previously approved.

CITY MANAGER'S REPORT
City Manager Ness reported on anticipated items for the December 16, 2008, City Council meeting including acceptance of the County Clerk's Canvass of the November 4th General Municipal Election, swearing in of newly elected officers, five traffic committee items, and appointment of Mayor Pro Tem.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Trujillo reported that on November 23, 2008, he attended a birthday party for Sister Janet Corcoran at Dr. Shepard's home.

Councilmember Patino reported that on November 21, 2008, she attended the Fighting Back Santa Maria Valley's candlelight vigil for Meth Awareness Month, and Mark Riddering's funeral on December 2nd. She asked that the City Manager provide a report on what was happening at the mall.

Mayor Lavagnino reported that he also attended Mark Riddering's funeral, met with Pueblo representatives on December 1st, and had been out of the State in Connecticut for a week.

Councilmember Zacarías reported that on November 20th she participated in a panel to discuss the history of farm workers on the Central Coast and had gone to Las Vegas over Thanksgiving. She requested the Council to adopt a resolution commending the Department of Motor Vehicles for their organ donor program.

Councilmember Orach reported he had attended Mark Riddering's funeral. He reminded everyone that the Rotary Parade of Lights would be held on Saturday, December 6th, at 5:20 p.m., and on December 7th at the Abel Maldonado Center there would be a memorial service and dedication of a plaque honoring women in the Armed Forces.

CLOSED SESSION:
Council recessed to a Closed Session at 9:10 p.m. for Conference With Legal Counsel – Liability Claims pursuant to Government Code Section 54956.8 regarding Claimants Raymond Jensen and Julie Jensen, Claim Nos. 2006-55 and 2007-10; Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code: Agency Representative: Assistant City Manager, Employee Organization: Santa Maria Police Officers Association (SMPOA); Public Employee Performance Evaluations pursuant to Subsection (e) of Government Code Section 54957 and Conference with Labor Negotiator pursuant to Government Code Section 54957.6: Agency representative: Mayor, Title: City Manager and City Attorney

After the Closed Session, the following report was given:

Conference with Legal Counsel – Liability Claims for Raymond and Julie Jensen: Direction was given to staff.

Conference with Labor Negotiators – SMPOA: A status report was given.

Public Employee Performance Evaluations & Conference with Labor Negotiator – City Manager and City Attorney: Direction was given to staff.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 9:28 p.m.

APPROVED

January 6, 2009
Date

Patricia Alfaro
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Patricia Alfaro
Chief Deputy City Clerk

S. F. Lavagnino
Mayor of the City of Santa Maria